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July 1, 1958

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CONCORD, N.H.

James J. Barry, Commissioner
Public Welfare Department
State House Annex
Concord, New Hampshire

Re: Muriel Hunt, Denied ADC, Hampton, N.H.

Dear Mr. Barry:

This is in reply to your letter of June 20, 1958 in which you requested our opinion as to whether on the basis of the facts outlined in your letter Mrs. Hunt would fulfill the requirement of one year's residence in New Hampshire immediately preceding date of application.

We find no statutory requirement of such one year's residence in ADC cases. However, such requirement results from an administrative rule adopted by the New Hampshire Department of Public Welfare which appears in New Hampshire Department of Public Welfare Manual of Policies, Public Assistance, on Page 47 as follows:

"Requirement in ADC. To be eligible for ADC there must be one year's residence in New Hampshire by the child or his parent or relative immediately preceding date of application."

You advise that Mrs. Hunt was a recipient of ADC on behalf of her children from February 28, 1954 to January 30, 1953, during which period she resided in Hampton; that on January 13, 1953 she moved from Hampton to Baltimore, Md., taking her children and household belongings with her; that her assistance grant was terminated when you learned that she had left the State, and that according to her statement and that of her parents she moved to Baltimore with the intention of being married and living there permanently; that on April 9, 1953 she reapplied for ADC indicating that her plans did not work out and that she had returned sometime in March 1953 to live with her parents in Hampton; that her children were enrolled in the Hampton schools on March 17, 1953 and that as of May 22, 1958 her furniture was still in Baltimore, Maryland.

Subsequent to receipt of your letter we discussed this case with Assistant Commissioner Thompson who advised us that Mrs. Hunt set up an apartment in Baltimore where she resided during her stay in that city.

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cc J. Barry, Commissioner

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Upon the basis of these facts, it is our opinion that Mrs. Hunt abandoned her domicile in Hampton, N.H., and acquired a new domicile in Baltimore, Md., and accordingly does not satisfy the requirement of one year's residence within the meaning of the administrative rule quoted above. From Mrs. Hunt's own statement it appears that she went to Baltimore with the intention of remaining there indefinitely. From the additional facts submitted to us it appears that she also established a home there. In other words, both the factum and the intent necessary to the acquisition of a domicile are present and our opinion is not altered by the fact that the Baltimore domicile was brief in duration.

Very truly yours,

George T. Ray, Jr.
Assistant Attorney General

GTR,Jr/m